

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOSE MANUEL HENRIQUEZ and JOSE HECTOR :  
FUENTES, on behalf of themselves and similarly :  
situated employees, :  
:

Plaintiffs, :

-against- :

KELCO LANDSCAPING, INC., KELCO :  
LANDSCAPING CORP., ELM GENERAL :  
CONSTRUCTION CORP., KELLY'S CREW, JOHN :  
KELLY, JOSEPH PROVENZANO :

Defendants. :  
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Case No. 12 Civ. 6233

**ANSWER and**  
**AFFIRMATIVE DEFENSES**

Defendants KELCO LANDSCAPING, INC, (hereafter, "Kelco"); ELM GENERAL  
CONSTRUCTION CORP. (hereafter, "Elm"); JOHN KELLY (hereafter, "Kelly") and JOSEPH  
PROVENZANO (hereafter, "Provenzano") (collectively, the "Answering Defendants") by their  
attorneys, Hankin & Mazel, PLLC, answer the Complaint of Plaintiffs as follows:

**AS TO NATURE OF THE CLAIM**

1. The Answering Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 1 of the Complaint.
2. Paragraph 2 of the Complaint contains legal conclusions only and therefore does not require a response.

**AS TO JURISDICTION AND VENUE**

3. Paragraph 3 of the complaint contains a legal conclusion only and therefore does not require a response.
4. Paragraph 4 of the complaint contains a legal conclusion only and therefore does not require a response.

48. The Answering Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 48 of the Complaint.

49. Paragraph 49 of the Complaint contains legal conclusions only and therefore no response is required. To the extent that a response is required, the Answering Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 49 of the Complaint.

50. The Answering Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 50 of the Complaint.

**AS TO PREVAILING WAGE**

51. Paragraph 51 of the Complaint contains legal conclusions only and therefore no response is required.

52. Paragraph 52 of the Complaint contains legal conclusions only and therefore no response is required. To the extent a response is required, Kelco denies the allegations contained in paragraph 52 of the Complaint.

53. Kelco denies the allegations contained in paragraph 53 of the Complaint.

54. Kelco admits the allegations contained in paragraph 54 of the Complaint.

55. Kelco admits the allegations contained in paragraph 55 of the Complaint.

56. Paragraph 56 of the Complaint contains legal conclusions only and therefore no response is required.

57. Paragraph 57 of the Complaint contains legal conclusions only and therefore no response is required.

58. Paragraph 58 of the Complaint contains legal conclusions only and therefore no response is required.